

AF *[initials]*

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/369,490
Filing Date	05 August 1999
First Named Inventor	Eric O. Bodnar
Art Unit	2131
Examiner Name	Syed ZIA
Attorney Docket Number	PUMA 1024-1

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Check 3674 in the amount of \$500
--	--	--

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	HAYNES BEFFEL & WOLFELD, LLP		
Signature	<i>Ernest J. Beffel, Jr.</i>		
Printed name	Ernest J. Beffel, Jr.		
Date	14 February 2006	Reg. No.	43,489

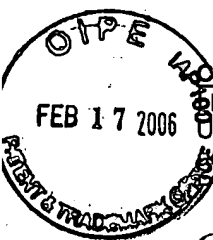
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Tracey Home</i>		
Typed or printed name	Tracey Home	Date	14 February 2006

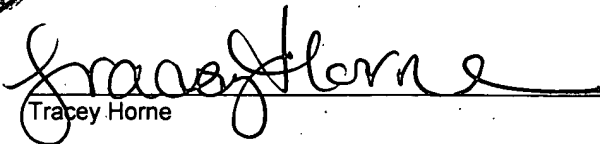
This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service for First-Class Mail Delivery, postage prepaid, addressed to: Mail Stop Appeal Brief – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 14 February 2006.


Tracey Horne

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Eric O. BODNAR

Application No. 09/369,490

Confirmation No. 6852

Filed: 05 August 1999

Title: **SYSTEM AND METHODOLOGY FOR
EMBEDDING A CONTEXT-SENSITIVE
WEB PORTAL IN A COMPUTER
APPLICATION**

Group Art Unit: 2131

Examiner: Syed ZIA

CUSTOMER NO. 22470

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

This Appeal Brief is filed in support of Appellant's appeal from the Final Office Action mailed 19 September 2005 in this case, and in response to the Notice of Panel Decision from Appellants' Notice of Appeal and Request for Pre-Appeal Brief Review filed on 14 December 2005.

The appropriate fee as set forth in § 41.20 (b)(2) of \$500.00 is covered in the enclosed check. Should it be determined that additional fees are required, the Commissioner is hereby authorized to charge those fees to Deposit Account No. 50-0869 (Attorney Docket No. PUMA 1024-1).

TABLE OF CONTENTS

I. REAL PARTY IN INTEREST	1
II. RELATED APPEALS AND INTERFERENCES	1
III. STATUS OF CLAIMS	1
IV. STATUS OF AMENDMENTS	1
V. SUMMARY OF CLAIMED SUBJECT MATTER	1
VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL	3
VII. ARGUMENT	3
A. Preliminary Review of the Technology Disclosed and References	3
1. The Disclosed Technology	3
2. The Butler Reference	4
3. The Larson Reference	5
B. Rejection of Independent Claims 89, 98 and Dependent Claims 90 & 99, 92 & 101 and 97 & 106 Under 35 U.S.C. 102(e) as Unpatentable over Butler was Improper	5
1. Rejection of Claim 89 was Improper	6
2. Rejection of Claim 98 was Improper	7
3. Rejection of Dependent Claims 90 & 99, 92 & 101 and 97 & 106 was Improper	8
C. Rejection of the Remaining Dependent Claims 91, 93, 96, 100, 102 and 105 as Unpatentable over Butler was Improper	9
D. Rejection of Dependent Claims 94-95 and 103-104 Under 35 U.S.C. 103(a) as Unpatentable over Butler, in view of Larson, was Improper	9
CONCLUSION	13
CLAIMS APPENDIX	14
EVIDENCE APPENDIX	17
RELATED PROCEEDINGS APPENDIX	17



I. REAL PARTY IN INTEREST

The real party in interest is Intellisync Corporation, the assignee of record, which is now a wholly owned subsidiary of Nokia Corporation.

II. RELATED APPEALS AND INTERFERENCES

There are no known appeals or interferences relating to this case.

III. STATUS OF CLAIMS

Claims 89-106 are currently pending in this application. All have been rejected and all of the rejections are subject to this appeal.

IV. STATUS OF AMENDMENTS

Claims 89-106 remain pending in this application. In response to the most recent Final Office Action mailed 19 September 2005, Applicant filed a Pre-Appeal Brief Request for Review and Notice of Appeal on 14 December 2005. The pre-appeal panel directed us to proceed to appeal. All amendments have been entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

There are two independent claims, numbers 89 and 98, which are addressed individually. Five additional groups of dependent claims are also addressed.

Claim 89 presents a method of sending messages from a web server to a parent application running on a client machine, the parent application (FIG. 2B, 201b) having an embedded browser (FIG. 2B, 205) that communicates with the web server (FIG. 2B, 260). This patent application discusses FIG. 2B at 13:13-14:2. The method includes three phases. First, the parent application intercepting a web page (FIG. 6, 603) sent from the web server to the embedded browser (FIG. 6, 602), the web page including one or more special key tags encoded (*id.*) with instructions to the parent application, wherein the special key tags are not HTML formatting tags. Second, the parent application responding to the encoded instructions (FIG. 6, 607) by triggering a special behavior of the parent application, distinct from displaying the web page. And third, the embedded browser displaying at least part of the web page (FIG. 6, 609) other than the special key tags. This patent application discusses FIG. 6 at 26:7-27:12 and 28:1-23.

Claim 98 describes a parent application (FIG. 2B, 201b) adapted to receive messages from a web server (FIG. 2B, 260) by intercepting them, the parent application having an embedded browser (FIG. 2B, 205), embedded in the parent application; and computer-implemented logic adapted to: (i) intercept a web page (FIG. 6, 603) from the web server addressed to the embedded browser (FIG. 6, 602), the web page including one or more special key tags encoded (*id.*) with instructions to the parent application, wherein the special key tags are not HTML formatting tags; (ii) trigger special behavior of the parent application in response to the encoded instructions (FIG. 6, 607), distinct from displaying the web page; and (iii) pass to the embedded browser at least part of the intercepted web page (FIG. 6, 609) for the embedded browser to display. As indicated above, this patent application discusses FIG. 2B at 13:13-14:2 and FIG. 6 at 26:7-27:12 and 28:1-23.

Dependent claims 90, 92 and 97, which depend from 89, and their counterparts 99, 101 and 106, which depend from 98, include limitations that further define special behaviors of the parent application, performed responsive to special key tags. We present these dependent claims in three groups.

Claims 90 & 99 further include the parent application removing the special key tags from the web page and passing the revised web page to the embedded browser for display, which is discussed in this patent application at 7:1-21.

Claims 92 & 101 further include the parent application presenting a set-up dialogue to configure the parent application, which is discussed in this patent application at 7:6; 20:5-20; 25:8-20; Appendix A at 36:52-36:26.

Claims 97 & 106 further include the parent application invoking a handler routine responsive to instructions in auxiliary information that is part of the special key tags, which is discussed in this patent application at 7:1-4.

Dependent claims 94-95 and 103-104 form a fourth group of dependent claims, of which claim 95 is representative. Claims 94 and 103 call for modifying a system registry entry (FIG. 6, 607) corresponding to the parent application, as discussed in the patent application at 27:26-28:23. Claims 95 and 104 depend from 94 and 103. They call for system registries entries to include name value pairs, also discussed at 27:26-28:23.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

First, whether it was improper to reject claims 89-93, 96-102 and 105-106 under 35 U.S.C. 102(e) as being anticipated by Butler?

Second, whether it was improper to reject claims 94-95 and 103-104 under 35 U.S.C. 103(a) as being unpatentable over Butler, in further view of Larson?

VII. ARGUMENT

A. Preliminary Review of the Technology Disclosed and References

1. The Disclosed Technology

The technology disclosed allows a parent application 201a to intercept and process specially encoded messages transmitted by a web server 260 in a web page and pass other parts of the web page to an embedded browser 205 for display to a user.

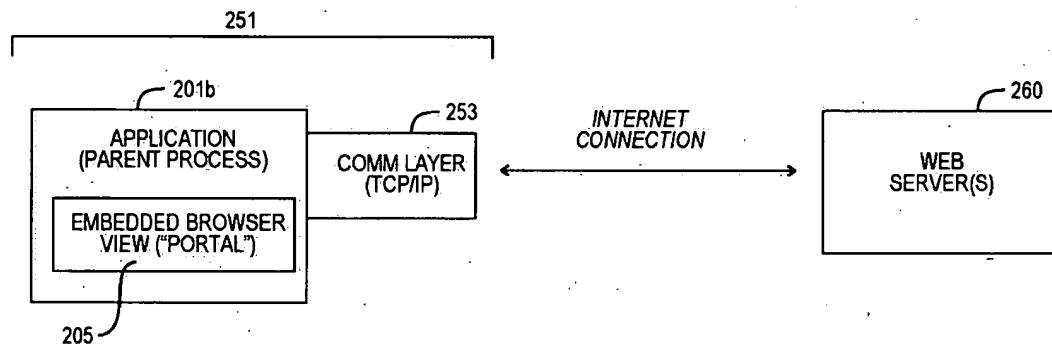
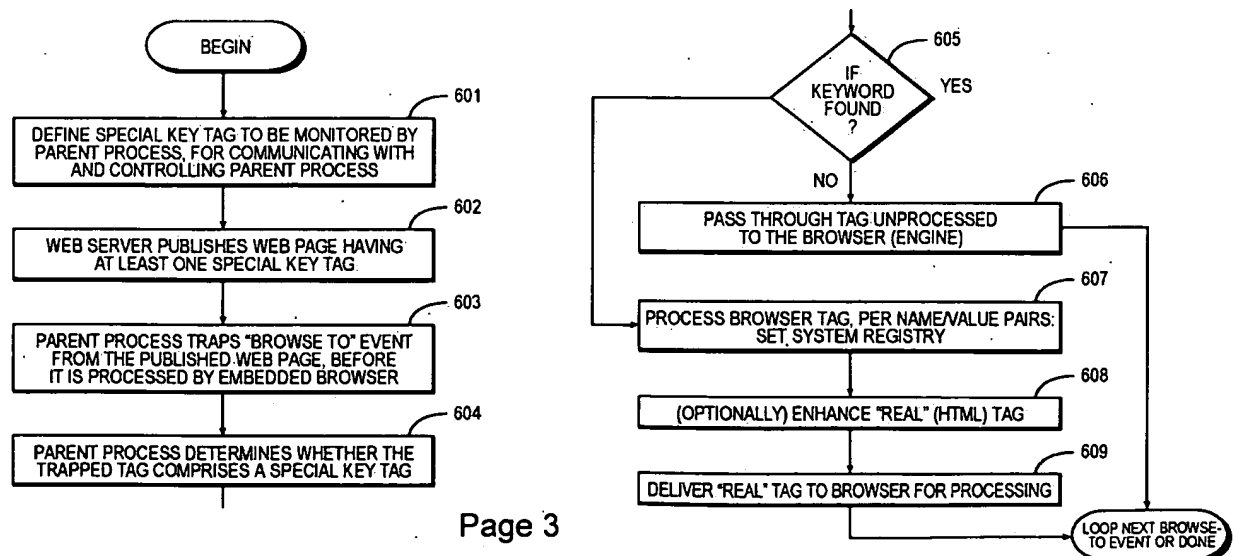


FIG. 2B

Referring to claim 89, the intercepting step is carried out by the parent application 201b, as is the responding and triggering step. The displaying step is carried out by the embedded browser 205. A flow chart for an embodiment of the method shows:



The web server 260 publishes a web page 602 including a message encoded for the parent application 201b that is intercepted 603 before it is displayed by the embedded browser 205. The parent application responds to the message (e.g., 607) and the browser displays at least part of the web page 609. Following instructions of the special key tags, the parent application may perform any of a wide variety of tasks identified in the specification and dependent claims, such as invoking a configuration dialogue (claim 92) or modifying a system registry entry for the parent application (claim 93).

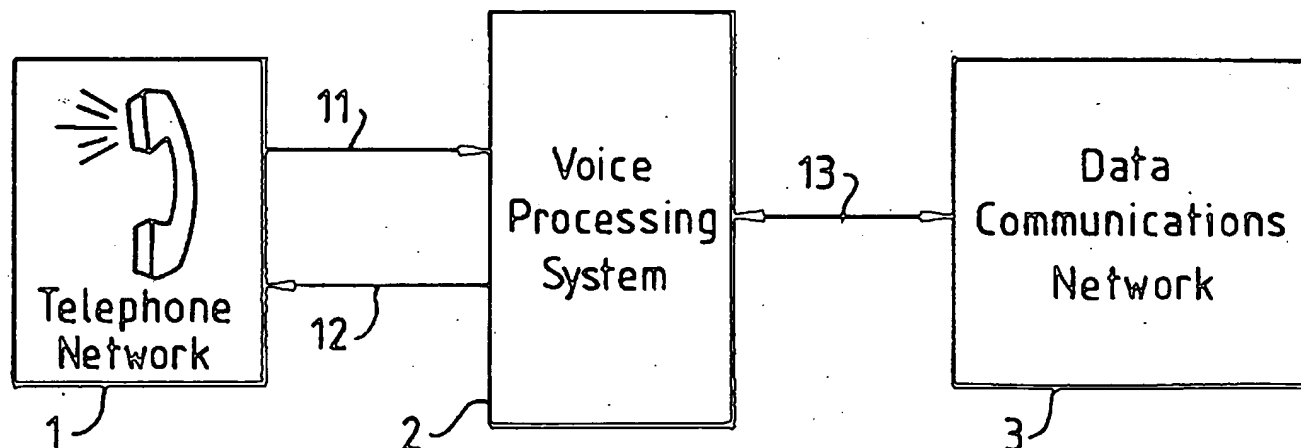
2. The Butler Reference

The Butler reference, U.S. Patent 6,771,743, provides a server-side voice processing system that eliminates the need for a telephone caller to have a client-side browser. Butler's voice processing server works with ordinary telephones – not the new-fangled vision cell phones that run browsers -- plain-old-telephones (POTs).

Butler's abstract describes:

A voice processing system, method and computer program product therefor, allows **telephone callers without computers to access World Wide Web** pages from the Internet. Usual graphical-based Hyper-Text Mark-Up language (HTML) commands are interspersed with special HTML tags including the commands and data for forming a voice application, which, when run on the voice processing system, provides a voice browser for allowing telephone callers to access Web pages. ...

The figure selected to represent the patent is:

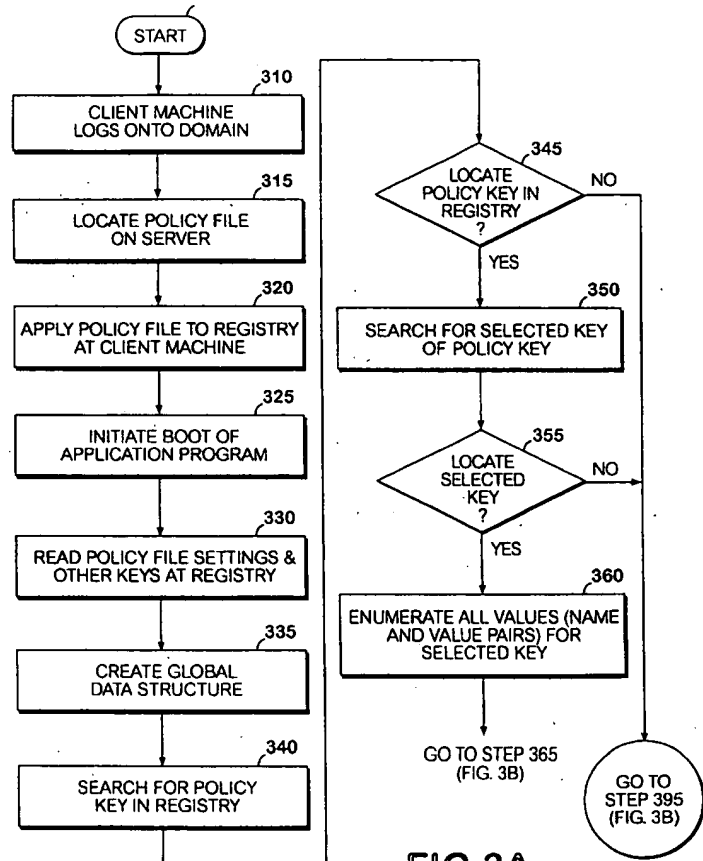


The Butler voice processing system 13 renders dual-format web pages audibly to anonymous telephone callers 1. We label the web pages "dual-format" because they include both the standard HTML that is interpreted by a browser and a second set of commands or links that are ignored by browsers but used by the voice processing

system to audibly render a version of the web page (5:24-32). Butler's voice processor allows callers with a standard telephone that has no display or browser to call the voice processing system and hear the audible track of dual-format web pages, either a recorded track (6:38-47) or one generated by text-to-speech conversion (6:9-14).

3. The Larson Reference

Larson is a Microsoft-assigned patent that describes enforcing network-administrator policies on individual local machines by modifying registry values on the individual local machines as part of user login sequence. See, FIGS. 3A-3B. It allows a system administrator controlling a login server to set policies that are implemented when users login to individual machines using the login server, for instance, turning on a Word program setting for correcting TWoInitialCaps.



B. Rejection of Independent Claims 89, 98 and Dependent Claims 90 & 99, 92 & 101 and 97 & 106 Under 35 U.S.C. 102(e) as Unpatentable over Butler was Improper

Applicant's response (AR) mailed June 14, 2005, before the Final Office Action (FOA), stressed the great and substantial differences between what Applicant disclosed and Butler's voice processing system. (AR 5-7) The Examiner (see, FOA 2-4) overlooked Applicant's description of Butler's technology and refutation of rejection under § 102(e); the Examiner only addressed the application of § 103(a) to dependent claims. (FOA 3) Simply put, there is no way to read Butler's voice processing system on these claims.

1. Rejection of Claim 89 was Improper

Independent claim 89 includes the limitations:

the parent application intercepting a web page sent from the web server to the embedded browser, the web page including one or more special key tags encoded with instructions to the parent application, wherein the special key tags are not HTML formatting tags;

the parent application responding to the encoded instructions by triggering a special behavior of the parent application, distinct from displaying the web page; and

the embedded browser displaying at least part of the web page other than the special key tags

These limitations are not found in Butler. First, caller does not use an application program 201b with an embedded browser 205, both the parent and embedded browser processing parts of the same web page. After all, Butler describes a voice processor that allows a telephone handset to audibly reproduce voice corresponding to a web page, without any browser at all. The voice processing system finds a recording corresponding to a web page, and plays the recording to the telephone caller client. The ordinary telephone does not see the web page and really has no idea whether the recording really corresponds to the web page. Butler does not attribute to the telephone caller's handset (a POT) either a parent application or an embedded browser.

Second, while the voice processing system presumably runs a parent application, the voice processing parent application does not have an embedded browser. The Examiner relies on (FOA 5:2) a passage at Butler 5:17-23. The passage cited describes the voice processing system receiving a call at a phone number that corresponds to a particular web page and retrieving the audio recording corresponding to the web page. Of course, the voice processing system responds to the telephone call from a plain old telephone by playing a recording or converting text to speech, not by asking the POT to display a web page. The passage cited does not describe a parent application having an embedded browser to display web pages, it describes a parent application that has no use for an embedded browser. After all, the parent application is playing back an audio recording or performing text-to-speech conversion, not passing parts of a web page to a browser for visual display.

Even if Butler combined a parent application with an embedded web browser, Butler's converts or discards the standard HTML of a dual-format web page and only renders parts of the web page audibly to the telephone caller, not visually. There is no display to the telephone caller, just playback.

The crux of the difference between Applicant and the Examiner might lie in the Examiner's misplaced argument (FOA 3:9-10) that Butler's system allows the same HTML document to be accessible to both computer users via graphical Web browser and to telephone callers via a voice browser. While this argument has a sound premise, the fact that the same page can be displayed differently to two users (one on a phone and another on a computer) does not matter, because that is not what is claimed. In claim 89, the same web page is processed by the parent application for its special keys and then at least part of the same web page is processed by the embedded browser and visually displayed to the user.

The Examiner cites (FOA 5:13) a passage at 6:3-8 as meeting the limitation of "the embedded browser displaying at least a part of the web page other than the special key tags". The cited passage reads:

```
<IMG src="/company_logo.gif" alt="Company  
Logo"><BR>
```

- 5 This first line of HTML code is not for use by the telephone user. For the computer-based user the graphical Web browser will display a graphical image of the company logo on the client computer's display screen.

This passage indicates that a separate program (a standalone browser) running on a different computer (not the voice processing system) can display part of a dual-coded web page. That does not meet the limitation of an embedded browser receiving parts of a web page from a parent application that has taken special actions based on special keys found in the web page.

Having reviewed the Butler reference carefully, in light of the FOA, none of the limitations of claim 89 are met. The § 102(e) rejection should be reversed and the claim allowed.

2. Rejection of Claim 98 was Improper

Independent claim 98 includes the limitations:

computer-implemented logic adapted to:

intercept a web page from the web server addressed to the embedded browser, the web page including one or more special key tags encoded with instructions to the parent application, wherein the special key tags are not HTML formatting tags;
trigger special behavior of the parent application in response to the encoded instructions, distinct from displaying the web page; and
pass to the embedded browser at least part of the intercepted web page for the embedded browser to display

These limitations are not found in Butler, for the reasons given above.

Therefore, rejection of claim 98 should be reversed and the claim allowed.

3. Rejection of Dependent Claims 90 & 99, 92 & 101 and 97 & 106 was Improper

In three groups, dependent claims 90 & 99, 92 & 101 and 97 & 106 include limitations such as:

(90) further including the parent application removing the special key tags from the web page and passing the revised web page to the embedded browser for display.

(92) further including, as the special behavior of the parent application, presenting a set-up dialogue to configure the parent application.

(97) further including, as the special behavior of the parent application, invoking a handler routine responsive to instructions in auxiliary information that is part of the special key tags.

These limitations further define special behaviors of the parent application that are responsive to special key tags.

Regarding claims 90 and 99, the passage (Butler 5:14-37) relied on (FOA 6:12) by the Examiner does not teach the parent application removing audible rendering tags from the HTML page and passing the rest of the page to an embedded browser for display – Butler's voice processing system does not have an embedded browser for display.

Regarding claims 92 & 101, the passage (Butler 6:38-45) relied on (FOA 6:19) does not teach presenting a set-up dialog to configure the parent application, responsive to a special key tag. After all, Butler's telephone callers are not running a parent application on their POT and are not authorized to configure the voice processing system's parent application.

Regarding claims 97 & 106, the passage (Butler 5:33-44) relied on (FOA 7:11) does not teach invoking a handler routine before passing the remainder of the web page to an embedded browser to display.

Each of these claims have improperly been rejected under § 102(e) based on Butler, which is not even similar to the claimed inventions, much less including these detailed limitations.

The Examiner's rejection of dependent claims 90 & 99, 92 & 101 and 97 & 106 as unpatentable over Butler should be reversed and the claims allowed.

C. Rejection of the Remaining Dependent Claims 91, 93, 96, 100, 102 and 105 as Unpatentable over Butler was Improper

As set out above, independent claims 89 and 98 should be allowable. Therefore, the claims depending from claims 89 and 98 are similarly allowable. It is not necessary to review the specific rejections of those claims, as they all are made based on the art discussed above. It is therefore respectfully suggested that these claims are in condition for allowance.

D. Rejection of Dependent Claims 94-95 and 103-104 Under 35 U.S.C. 103(a) as Unpatentable over Butler, in view of Larson, was Improper

Claims 94 and 95, which depends from 94, include the limitations:

(94) further including, as the special behavior of the parent application, modifying a system registry entry corresponding to the parent application.

(95) wherein the system registry entry includes at least one name/value pair.

These limitations are not unpatentable over Butler in view of Larson.

First, not all software systems are in analogous arts. Butler and Larson are not. Butler teaches voice processing of web pages and Larson improves on policy implementation for configuration of application programs at logon. The Examiner asserts that Butler and Larson are in analogous arts, but does not explain why. The Butler "parent application" is applying is a voice processor program that responds to user requests to browse a web page without requiring a user login. One would assume that this voice processor serves multiple callers. The input to the voice processor is limited by what a caller can do with a standard telephone. The voice processor is a server, not an individual local machine with user-modifiable registry settings. The Larson reference provides a tool that allows a system administrator controlling a login

server to set policies that are implemented when users login to individual machines using the login server (e.g., a Word program setting for whether to correct TWoInitialCaps). While both references describe computer-implement technology, that is not enough to place them in analogous arts.

Second, the combination does not obviously produce the claimed results. Larson depends on a login and Butler's user does not login. Larson depends on a user identification and Butler's users do not identify themselves. Larson implements system policies before any browser is opened by a user. Butler's special tags are directed to delivering voice messages to users, not to triggering a behavior that includes setting values in a system registry. It is not obvious how the two references could constructively be combined much less to meet the claim limitations.

Third, there is no evidentiary suggestive teaching or motivation to combine the references in the manner claimed. It is fundamental, as indicated in MPEP Section 2143.01, that the Examiner rely on some evidentiary quality suggestion from one of the references, or based on an Examiner's affidavit to modify Butler:

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also *In re Lee*, 277 F.3d 1338, 1342-44, 61 USPQ2d 1430, 1433-34 (Fed. Cir. 2002) (discussing the importance of relying on objective evidence and making specific factual findings with respect to the motivation to combine references); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The MPEP cites *In re Lee*, in which the Federal Circuit clarified the need for evidentiary quality support of an examiner's factual basis for finding a teaching, suggestion or motivation in the prior art (as opposed to an examiner's opinion), 277 F.3d at 1343-44:

As applied to the determination of patentability *vel non* when the issue is obviousness, "it is fundamental that rejections under 35 U.S.C. § 103 must be based on evidence comprehended by the language of that section." *In re Grasselli*, 713 F.2d 731, 739, 218 U.S.P.Q. (BNA) 769, 775 (Fed. Cir. 1983). ... "The factual inquiry whether to combine references must be thorough and searching." *Id.* It must be based on objective

evidence of record. This precedent has been reinforced in myriad decisions, and cannot be dispensed with. [citation omitted] The need for specificity pervades this authority. See, e.g., *In re Kotzab*, 217 F.3d 1365, 1371, 55 U.S.P.Q.2D (BNA) 1313, 1317 (Fed. Cir. 2000) ("particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed"); *In re Rouffet*, 149 F.3d 1350, 1359, 47 U.S.P.Q.2D (BNA) 1453, 1459 (Fed. Cir. 1998) ("even when the level of skill in the art is high, the Board must identify specifically the principle, known to one of ordinary skill, that suggests the claimed combination. In other words, the Board must explain the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious."); *In re Fritch*, 972 F.2d 1260, 1265, 23U.S.P.Q.2D (BNA) 1780, 1783 (Fed. Cir. 1992) (the examiner can satisfy the burden of showing obviousness of the combination "only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references"). ... In its decision on Lee's patent application, the Board rejected the need for "any specific hint or suggestion in a particular reference" to support the combination of the Nortrup and Thunderchopper references. Omission of a relevant factor required by precedent is both legal error and arbitrary agency action.

The outcomes of cases decided even before *In re Lee* make it clear that real evidence is required to support an asserted teaching, suggestion or motivation to modify a reference to support an obviousness finding. See, e.g., *In re Kotzab*, 217 F.3d 1365, 1369-70 (Fed. Cir. 2000) (rev'd finding of obviousness) *Kolmes v. World Fibers Corp.*, 107 F.3d 1534, 1541 (Fed. Cir. 1997) (aff'd patent not invalid). The Examiner has not produced the required objective evidence that would "lead that individual [of ordinary skill] to combine the relevant teachings of the references." *In re Fritch*, cited in *In re Lee* (above).

Applicant did not find in Butler or Larson any suggestion or teaching to modify a voice processor to enforce system administrator policies for users at login. It appears that the Examiner intends to argue from knowledge generally available to one of ordinary skill in the art (FOA 2), without saying what that general knowledge is. Applicant is baffled by the Examiner's argument:

Therefore, It would have been obvious to one ordinary [sic] skilled in the art at the time of the invention to combine the teachings of Butler and Larson, because Larson's method of building system registry for applications using name/value pair would not only provide an extensible and portable mechanism for parent application (such as voice processing

system) for applying parent application control regarding each user in a predetermined format (such as name/value pair format), but would also provide uniform mechanism of updating, and enforcing a particular control (policy) value and configuration for applications (parent application) for each user using the (parent) application.

(FOA 3) No evidence is cited by the Examiner, even after Applicant urged compliance with *In re Lee*, nor is any Examiner's affidavit provided. The Examiner's naked assertion of motivation is a statement of the *result* of combining the references derived using the claim as a blueprint (20-20 hindsight) for the desired result, which is impermissible. 2-5 Chisum on Patents § 5.03 [2][c] n. 29 (2005 Lexis version); e.g. *ATD Corp. v. Lydall, Inc.*, 159 F.3d 534, 546, 48 USPQ2d 1321, 1329 (Fed. Cir. 1998) ("Determination of obviousness can not be based on the hindsight combination of components selectively culled from the prior art to fit the parameters of the patented invention."); *Grain Processing Corp. v. American Maize-Products Corp.*, 840 F.2d 902, 907, 5 USPQ2d 1788, 1792 (Fed. Cir. 1988) ("Care must be taken to avoid hindsight reconstruction by using 'the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit.' "). This claimed motivation ignores how Butler voice processor works. It revises the voice processor interaction with the user in a way that neither Butler nor Larson suggests, using the claim as a blueprint for the revision, which is contrary to law. Therefore, the combination is improper.

For several independent reasons, Applicant respectfully submits that rejection of claims 94-95 and 103-104 should be reversed and the claims allowed.

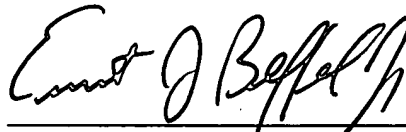
CONCLUSION

In view of the foregoing, Applicant/Appellant asks that this honorable Board reverse the Examiner's rejections of the claims. In addition, it is submitted that all claims are now allowable, and a notice of intent to issue a patent is respectfully requested.

The Commissioner is hereby authorized to charge any fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (Attorney Docket No. PUMA 1024-1).

Respectfully submitted,

Dated: 14 February 2006



Ernest J. Beffel, Jr.
Registration No. 43,489
Attorney for Patent Owner

HAYNES BEFFEL & WOLFELD LLP
P.O. Box 366
751 Kelly Street
Half Moon Bay, CA 94019
Telephone: 650.712.0340
Facsimile: 650.712.0263

CLAIMS APPENDIX

1– 88. (Cancelled)

89. (Previously presented) A method of sending messages from a web server to a parent application running on a client machine, the parent application having an embedded browser that communicates with the web server, the method including:

the parent application intercepting a web page sent from the web server to the embedded browser, the web page including one or more special key tags encoded with instructions to the parent application, wherein the special key tags are not HTML formatting tags;

the parent application responding to the encoded instructions by triggering a special behavior of the parent application, distinct from displaying the web page; and

the embedded browser displaying at least part of the web page other than the special key tags.

90. (Previously presented) The method of claim 89, further including the parent application removing the special key tags from the web page and passing the revised web page to the embedded browser for display.

91. (Previously presented) The method of claim 89, further including, as the special behavior of the parent application, running code accessible to the client machine as instructed by the special key tags, wherein the code is not part of the embedded browser and not downloaded with the web page.

92. (Previously presented) The method of claim 89, further including, as the special behavior of the parent application, presenting a set-up dialogue to configure the parent application.

93. (Previously presented) The method of claim 91, further including, as the special behavior of the parent application, presenting a set-up dialogue to configure the parent application.

94. (Previously presented) The method of claim 89, further including, as the special behavior of the parent application, modifying a system registry entry corresponding to the parent application.

95. (Previously presented) The method of claim 94, wherein the system registry entry includes at least one name/value pair.

96. (Previously presented) The method of claim 89, further including, as the special behavior of the parent application, customizing the web page with user-specific information accessible to the parent application and not provided in the intercepted web page.

97. (Previously presented) The method of claim 89, further including, as the special behavior of the parent application, invoking a handler routine responsive to instructions in auxiliary information that is part of the special key tags.

98. (Previously presented) A parent application adapted to receive messages from a web server by intercepting them, the parent application including: an embedded browser, embedded in the parent application; and computer-implemented logic adapted to:

intercept a web page from the web server addressed to the embedded browser, the web page including one or more special key tags encoded with instructions to the parent application, wherein the special key tags are not HTML formatting tags;

trigger special behavior of the parent application in response to the encoded instructions, distinct from displaying the web page; and

pass to the embedded browser at least part of the intercepted web page for the embedded browser to display.

99. (Previously presented) The method of claim 98, further including the parent application removing the special key tags from the web page and passing the revised web page to the browser for display.

100. (Previously presented) The method of claim 98, further including, as the special behavior of the parent application, running code accessible to the client machine as instructed by the special key tags, wherein the code is not part of the embedded browser and not downloaded with the web page.

101. (Previously presented) The method of claim 99, further including, as the special behavior of the parent application, presenting a set-up dialogue to configure the parent application.

102. (Previously presented) The method of claim 98, further including, as the

special behavior of the parent application, presenting a set-up dialogue to configure the parent application.

103. (Previously presented) The method of claim 98, further including, as the special behavior of the parent application, modifying a system registry entry corresponding to the parent application.

104. (Previously presented) The method of claim 103, wherein the system registry entry includes at least one name/value pair.

105. (Previously presented) The method of claim 98, further including, as the special behavior of the parent application, customizing the web page with user-specific information accessible to the parent application and not provided in the intercepted web page.

106. (Previously presented) The method of claim 98, further including, as the special behavior of the parent application, invoking a handler routine responsive to instructions in auxiliary information that is part of the special key tags.

EVIDENCE APPENDIX

Appellants have no evidence to submit under Rules 130 or 132.

RELATED PROCEEDINGS APPENDIX

As there are no related proceedings, there is nothing to submit in this appendix.